

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)

Advanced Television Systems and)
Their Impact upon the Existing)
Television Broadcast Service)

MM Docket No. 87-268

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To: The Commission - Mail Stop 1170

COMMENTS OF THE BRUNO-GOODWORTH NETWORK INC.

Background

The Bruno-Goodworth Network Inc. (WBGN-TV) is a Pennsylvania Corporation with two licensed LPTV's which are W66BQ in Freedom, Pa and W56CL in New Castle, PA. These stations are part of the Pittsburgh DMA as described by Nielson Media Research. WBGN-TV is in the process of completing a build out of 12 LPTV stations, all of which are located in the Pittsburgh, Youngstown, and Wheeling-Steubenville DMA's. When this build is complete (March 1997 est.) WBGN-TV will reach a total of 1.7 million households.

The Pittsburgh region is unique to other big cities in that the population is concentrated in small towns surrounding the city of Pittsburgh as well as the city itself. WBGN-TV started with a goal of serving these small towns with local television news and special event coverage that the Pittsburgh full power stations tend to not cover. WBGN-TV is now on the air meeting this goal and serving the citizens of Beaver County (W66BQ Freedom, PA) and the citizens of Lawrence County (W56CL New Castle) with local television news, local event special coverage, and local high school sports broadcasts.

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Concerns

WBGN-TV is interested in this FCC Sixth Notice for FNFR because it effects us in many ways. They are:

- 1). If the channel allotments are passed as written WBGN-TV will loose three of our 12 LPTV's.**
- 2). If Channels 60 - 69 are put up for auction WBGN-TV will loose an additional three more channels.**
- 3). If LPTV's are not afforded the ability to become primary through this proceeding than the remaining six WBGN-TV stations will have the potential to become road kill on the information superhighway through future spectrum auctions that do not include secondary (LPTV) stations.**
- 4). If LPTV stations are left with secondary status under this proceeding and no provision is enacted to make LPTV upgrade to digital, the LPTV industry and our remaining six stations are destined for technological doom and will be out of business when all television receivers upgrade to digital only tuners.**
- 5). If WBGN-TV is forced out of business because of this rulemaking, which it appears it will be, a total of 17 families in this region will be placed out of work, personally devastated and forced to become dependent on government programs such as unemployment and welfare.**
- 6). The owners of WBGN-TV, Ron Bruno and Deborah Goodworth will see their lifetime savings vanish at the swoop of a pen if no serious consideration is given to LPTV in these proceedings.**
- 7). The public will be forced to deal with hundreds of millions of dollars of bank dept that**

will arise as a result of the LPTV industry being crushed by these proceedings. This economic impact might be similar to the Savings and Loan problems we faced in the late 1980's. Hundreds of LPTV operators with huge bank debt, including WBGN-TV, will go bankrupt if no relief and serious consideration is given to LPTV owners in this proceeding.

The Solutions

- 1). WBGN-TV supports the comments of **THE COMMUNITY BROADCASTING ASSOCIATION (CBA)**. The interference suggestions recommended in these comments were meticulously designed by the leading engineers in the broadcasting industry. The commission needs to carefully study these recommendations and consult with the CBA in order to maximize the existing spectrum to accommodate all broadcasters - both full power and low power. These rules as proposed by the CBA will save approximately two of the three stations that WBGN-TV will lose to full power second channel DTV allotments.
- 2). LPTV stations and full power stations operating on channels 60 - 69 need to be left alone. The wheel is working, why try to fix it? The massive investment in the United States on these channels is probably staggering and any monumental change like the commission is proposing will be financially devastating for LPTV and Full Power broadcasters. The benefit that the public is enjoying from these stations including WBGN-TV is hard to attach a dollar figure to, in most cases these stations are priceless. The commission needs to focus its auction mania (channels 60 -69) on unused spectrum - not spectrum currently being well used by the public.

3). **MAKE LPTV's PRIMARY** - enough is enough! WBGH-TV is a broadcast television station that serves the area it covers with local news, sports, weather, and election results. When WBGH-TV applied for this license we expected to become secondary to any full power station that we interfered with. We are now faced with being secondary to auction mania, some new service on channel 60 -69, DTV, and whatever the next guy has dreams to make out of the spectrum. LPTV's were not considered in the allotment table for this FNPR and now an estimated 60% of LPTV's will be put out of business by the FCC. The commission must make LPTV stations primary with these proceedings or there will not be an LPTV service when the next round of "auction mania conquerors" raid the television spectrum. LPTV simply must be upgraded to primary status. The LPTV service provides more value serving the public with its' diverse and local programming than it would as a very short term fix to the national dept (auction mania).

4). LPTV stations (Part 73) that are providing the same public service and following the same rules as full power stations (Part 74) need to be immediately categorized as primary for the purpose of these proceedings. WBGH-TV supports all comments made by the CBA with regard to a new class of LPTV stations that are primary and can immediately upgrade to a digital signal.

It makes absolutely no common sense for the commission not allow LPTV's to upgrade to digital on channel. The FCC must mandate in this ruling that all LPTV's can immediately upgrade on channel to digital. Failure to do this will prove to WBGH-TV that the FCC has no interest in LPTV and is attempting to squash this valued service.

5). 6). 7). In order to stop all of the devastation described in these paragraphs the commission must adopt the CBA interference comments, make LPTV primary, and allow

all LPTV stations to upgrade on channel to digital.

Compensation Procedure for Displaced LPTV's

WBGH-TV realizes that few if any LPTV stations that we own may have to be displaced.

In the event that any WBGH-TV station or any LPTV gets displaced by auctions or DTV the following compensation needs to apply:

- 1). Regardless of FCC allotments, all LPTV stations displaced and forced off the air by Full Power stations must be compensated **One Million US Dollars*** by the Full Power station that displaces the LPTV. The Full Power station can have the right to change to digital on their existing channel when the Full Power deems feasible and avoid paying the LPTV. The LPTV operator will retain the right to demand more money from the Full Power station if the LPTV can prove using existing growth numbers that over the next 10 years the LPTV station will be worth more than one million dollars.
- 2). In the event a Full Power Station takes its FCC allocation and wants to displace an LPTV and the LPTV has to move to another channel in the market, the Full Power station must compensate the LPTV for **ALL EXPENSES** associated with the channel change and move.
- 3). In the event that the Full Power Station does not want to compensate the LPTV for displacement the Full Power station may move to another available channel in the market not occupied by any LPTV and that does not interfere with any existing LPTV station. The Full Power Station will not be responsible to any LPTV under this paragraph.
- 4). All LPTV stations forced off the air by auctions, regardless of channel number or type of auction, shall be compensated a minimum of ***One Million US Dollars**. This money

will come from the auction itself. All potential bidders in the auction will know that they cannot commence building until the LPTV owner is paid and off the air. The LPTV operator will maintain the right to contest this compensation and demand higher compensation for proven growth potential over the next 10 years.

*This compensation number is derived from investment into an average LPTV of

- a). \$200,000 - Transmitter, Line, Antenna
- b). \$200,000 - Production Equipment, Commercial Insertion Equipment, and office equipment.
- c). \$600,000 - Average profit of LPTV over the next 10 years.

Summary

The LPTV industry is a very tough industry to be involved with in the Pittsburgh market. WBGH-TV does not enjoy "must carry" rights. The terrain in the market is very hilly, this accounts for the 85% cable penetration some cable companies enjoy. Advertisers in this market almost always refuse LPTV advertising because of the high cable penetration. What little coverage that WBGH-TV has will be taken away if the FCC does not recognize and help LPTV in this sixth further notice.

Conclusion

Please do not take our LPTV business away from us and put my two little girls, my wife and myself out on the street. Ms. Goodworth and I have put our hearts, soul, and life savings into making WBGH-TV the class television station that it is in the Pittsburgh market. LPTV operators like myself are real people with real life dreams that are working

against all the odds. Please do not make it any more difficult than it already is.

WHEREFORE, for the foregoing reasons, this petitioner respectfully requests that the Commission revise the rules and policies proposed in the Sixth Further Notice as described above.

Respectfully submitted,
Bruno-Goodworth Network, Inc.

Ronald J. Bruno
President